

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

TOFOREST JOHNSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 2:16-cv-01945-RDP
	)	
JOHN Q. HAMM,	)	
Commissioner, Alabama Department	)	
of Corrections,	)	
	)	
Respondent.	)	

**MOTION TO WITHDRAW AS COUNSEL**

COMES NOW, the undersigned counsel for Respondent, James R. Houts, and petitions the Court for leave to withdraw as counsel in the above-styled cause. In support of his motion, counsel avers as follows:

1. Counsel has accepted a position outside of the Office of the Attorney General, effective January 21, 2025. As of this date, the undersigned will no longer be an assistant or deputy attorney general. By law, only assistant or deputy attorney generals may represent the Respondent in this litigation. *See* Ala. Code § 36-15-1(13) (1975).

2. Assistant Attorney General Lauren A. Simpson has filed a notice of appearance for Respondent and is prepared to act as lead counsel for Respondent in this matter.

3. This matter is pending before the Court on the pleadings, previously filed state court record, and briefs. Permitting the undersigned's withdrawal as counsel will not delay or otherwise impede the administration of justice or the timely resolution of this case, nor will it prejudice either party.

For the foregoing reasons, counsel respectfully requests that the Court permit his withdrawal as counsel of record for Appellee.

Respectfully submitted,

Steve Marshall  
*Alabama Attorney General*

**s/ James R. Houts**  
*James R. Houts*  
Assistant Attorney General

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of January, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following: **Ty Alper and Patrick Mulvaney.**

**s/ James R. Houts**

*James R. Houts*

Assistant Attorney General

**ADDRESS OF COUNSEL:**

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